



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY

Permit No. VA0025542

Effective Date: February 10, 2014
Expiration Date: January 31, 2019

AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE
ELIMINATION SYSTEM AND THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act as amended and pursuant to the State Water Control Law and regulations adopted pursuant thereto, the following owner is authorized to discharge in accordance with the information submitted with the permit application, and with this permit cover page, Part I - Effluent Limitations and Monitoring Requirements, and Part II – Conditions Applicable To All VPDES Permits, as set forth herein.

Owner Name: City of Covington
Facility Name: Covington WWTP
City: Covington
County: Alleghany
Facility Location: 711 West Park Street, Covington

The owner is authorized to discharge to the following receiving stream:

Stream: Jackson River
River Basin: James River (Upper)
River Subbasin: N/A
Section: 12
Class: IV
Special Standards: None

A handwritten signature in black ink, appearing to read "Robert J. Weld".

Robert J. Weld, Regional Director, Blue Ridge Regional Office

2/4/2014
Date

A. Final Limitations and Monitoring Requirements

- During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall number 001. This discharge shall be limited and monitored at outfall 001 as specified below:

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Minimum</u>	<u>Maximum</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow (MGD) (2)	NL	NA	NA	NL	Continuous	TIRE
pH (Standard Units)	NA	NA	6.0	9.0	1/Day	Grab
Biochemical Oxygen Demand (BOD ₅) (3,4)	30 mg/L 340 kg/d	45 mg/L 510 kg/d	NA	NA	5 Days/Week	24 HC
Total Suspended Solids (3,4)	30 mg/L 340 kg/d	45 mg/L 510 kg/d	NA	NA	5 Days/Week	24 HC
Total Nitrogen (TN) (3,5)	NL mg/L	NA	NA	NL mg/L	1/Week	24 HC
Total Phosphorus (TP) (3)	NL mg/L	NA	NA	NL mg/L	1/Week	24 HC
TP, annual ave (3,6)	0.50 mg/L	NA	NA	NA	1/Year	Calculated
TN, monthly load (3,5)	NL lb/mo	NA	NA	NA	1/Mo	Calculated
TP, monthly load (3)	NL lb/mo	NA	NA	NA	1/Mo	Calculated
TN, total load June - Oct (3,5)	NA	NA	NA	22968 lb	1/Year	Calculated
TP, total load June - Oct (3)	NA	NA	NA	1914 lb	1/Year	Calculated
<i>Escherichia coli</i> (7)	126/100mL	NA	NA	NA	1/Day	Grab
Chronic toxicity (8)	NA	NA	NA	44 TUc	1/3 Months	24 HC

NA = Not Applicable NL = No Limitation, monitoring required
24 HC = 24 hour flow proportional composite

1/Day = once per day 1/Week = once per week
TIRE = Totalizing, Indicating, Recording Equipment

- The design flow for this facility is 3.00 MGD, see I.B.2.
- See Part I.B.1 for quantification levels and reporting requirements.
- At least 85% removal for BOD5 and TSS must be attained for this effluent.
- Total Nitrogen, which is the sum of TKN and nitrate plus nitrite, shall be derived from the results of those tests.
- Total Phosphorus limit is an annual average concentration, which shall be reported once a year on the DMR due in January using parameter code 811. This facility has Total Nitrogen and Total Phosphorus calendar year load limits associated with this outfall included in the current Registration List under registration number VAN040065, enforceable under the General VPDES Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Watershed in Virginia. Data and QLs from this General Permit Regulation shall be used to calculate the annual average.
- Limit is a geometric mean; samples shall be collected between 10 a.m. and 4 p.m.
- See I.E for additional instructions.
- There shall be no discharge of floating solids or visible foam in other than trace amounts.

B. OTHER REQUIREMENTS OR SPECIAL CONDITIONS

1. **Compliance Reporting Under Part I.A.**

- a. The quantification levels (QL) shall be less than or equal to the following concentrations:

<u>Effluent Characteristic</u>	<u>Quantification Level</u>
Total Suspended Solids	1.0 mg/L
BOD5	5.0 mg/L

The QL is defined as the lowest concentration used to calibrate a measurement system in accordance with the procedures published for the method. It is the responsibility of the permittee to ensure that proper quality assurance/quality control (QA/QC) protocols are followed during the sampling and analytical procedures. QA/QC information shall be documented to confirm that appropriate analytical procedures have been used and the required QLs have been attained. The permittee shall use any method in accordance with Part II A of this permit.

- b. **Monthly Average** -- Compliance with the monthly average limitations and/or reporting requirements for the parameters listed in subsection a. of this permit condition shall be determined as follows: All concentration data below the QL used for the analysis (QL must be less than or equal to the QL listed in a. above) shall be treated as zero. All concentration data equal to or above the QL used for the analysis (QL must be less than or equal to the QL listed in a. above) shall be treated as it is reported. An arithmetic average shall be calculated using all reported data for the month, including the defined zeros. This arithmetic average shall be reported on the Discharge Monitoring Report (DMR) as calculated. If all data are below the QL used for the analysis (QL must be less than or equal to the QL listed in a. above), then the average shall be reported as "<QL". If reporting for quantity is required on the DMR and the reported monthly average concentration is <QL, then report "<QL" for the quantity. Otherwise use the reported concentration data (including the defined zeros) and flow data for each sample day to determine the daily quantity and report the monthly average of the calculated daily quantities

Weekly Average -- Compliance with the weekly average limitations and/or reporting requirements for the parameters listed in subsection a. of this permit condition shall be determined as follows: All concentration data below the QL used for the analysis (QL must be less than or equal to the QL listed in a. above) shall be treated as zero. All concentration data equal to or above the QL used for the analysis (QL must be less than or equal to the QL listed in a. above) shall be treated as reported. An arithmetic average shall be calculated using all reported data, including the defined zeros, collected within each complete calendar week and entirely contained within the reporting month. The maximum value of the weekly averages thus determined shall be reported on the DMR.

If all data are below the QL used for the analysis (QL must be less than or equal to the QL listed in a. above), then the weekly average shall be reported as "<QL". If reporting for quantity is required on the DMR and the reported weekly average concentration is <QL, then report "<QL" for the quantity. . Otherwise use the reported concentration data (including the defined zeros) and flow data for each sample day to determine the daily quantity and report the maximum weekly average of the calculated daily quantities.

Daily Maximum -- Compliance with the daily maximum limitations and/or reporting requirements for the parameters listed in subsection a. of this permit condition shall be determined as follows: All concentration data below the QL used for the analysis (QL must be less than or equal to the QL listed in a. above) shall be treated as zero. All concentration data equal to or above the QL used for the analysis (QL must be less than or equal to the QL listed in a. above) shall be treated as reported. An arithmetic average shall be calculated using all reported data, including the defined zeros, collected within each day during the reporting month. The maximum value of these daily averages thus determined shall be reported on the DMR as the Daily Maximum. If all data are below the QL used for the analysis (QL must be less than or equal to the QL listed in a. above), then the maximum value of the daily averages shall be reported as "<QL". If reporting for quantity is required on the DMR and the reported daily maximum concentration is <QL, then report "<QL" for the quantity. Otherwise use the reported daily average concentrations (including the defined zeros) and corresponding daily flows to determine daily average quantities and report the maximum of the daily average quantities during the reporting month.

Single Datum - Any single datum required shall be reported as "<QL" if it is less than the QL used for the analysis (QL must be less than or equal to the QL listed in a. above). Otherwise the numerical value shall be reported.

- c. **Significant Digits** -- The permittee shall report at least the same number of significant digits as the permit limit for a given parameter. Regardless of the rounding convention used by the permittee (i.e., 5 always rounding up or to the nearest even number), the permittee shall use the convention consistently, and shall ensure that consulting laboratories employed by the permittee use the same convention.
- d. **Nutrient Reporting Calculations:**
 - i. **Annual average concentration (AC_{avg})** - For each calendar month, the DMR shall show the monthly average concentration, MC_{avg} , mg/L. The first DMR for the year March 2013 through February 2014 is due March 10, 2014. The annual average concentration shall be calculated in accordance with the following formulae and reported via parameter code 811 (TP) on the DMR due March 10th:
$$AC_{avg} = (\sum_{Jan-Dec} MC_{avg}) \div (12 \text{ months})$$

- ii. **Monthly load calculation** - The total monthly load shall be calculated in accordance with the following formula and reported via parameter codes 791 (TN) and 793 (TP).

$$ML = ML_{avg} * d$$

where:

ML = total monthly load (lb/mo)

ML_{avg} = monthly average load as reported on DMR (lb/d)

d = number of discharge days in the calendar month

$$ML_{avg} = \sum \frac{DL}{s}$$

where:

DL = daily load, = daily concentration (expressed as mg/l to the nearest 0.01 mg/l) multiplied by the flow volume of effluent discharged during the 24-hour period (expressed as MGD to the nearest 0.01 MGD), multiplied by 8.345 and

rounded to the nearest whole number to convert to pounds per day (lbs/day)

s = number of days in the calendar month in which a sample was collected and analyzed

All daily concentration data below the quantification level (QL) for the analytical method used should be treated as half the QL. All daily concentration data equal to or above the QL for the analytical method used shall be treated as it is reported.

- iii. **Growing season (GS) load calculation** - The TN and TP load (pounds) for each growing season of June – October shall be shown on the December DMR due January 10th. These values shall be calculated in accordance with the following formulae:

$$GS \text{ load (lb)} = \sum ML(\text{Jun} - \text{Oct})$$

For Total Phosphorus, all daily concentration data below the quantification level (QL) for the analytical method used should be treated as half the QL. All daily concentration data equal to or above the QL for the analytical method used shall be treated as it is reported.

For Total Nitrogen (TN), if none of the daily concentration data for the respective species (i.e., TKN, Nitrates/Nitrites) are equal to or above the QL for the respective analytical methods used, the daily TN concentration value reported shall equal one half of the largest QL used for the respective species. If one of the data is equal to or above the QL, the daily TN concentration value shall be treated as that data point is reported. If more than one of the data is above the QL, the daily TN concentration value shall

equal the sum of the data points as reported. Report total TN load discharged as DMR parameter code 901.

Compliance with the GS TN load may be satisfied by submitting a signed, DEQ Credit Exchange Notification Form and supporting documentation to the Regional Office, by December 31 of the year that the credit is to be applied, attesting that an upstream discharger has assigned unused TN allocation to this facility. This assigned allocation shall not be used for any other discharger to the Jackson River. The assigned allocation by the upstream discharger will be subtracted from the monitored TN GS load to establish a number that is compared to the TN GS limit of 22968 lb. Report net TN as DMR parameter code 928.

2. 95% Capacity Reopener

A written notice and a plan of action for ensuring continued compliance with the terms of this permit shall be submitted to the Department of Environmental Quality, Blue Ridge Regional Office, 3019 Peters Creek Road, Roanoke, VA 24019, when the monthly average flow influent to the sewage treatment plant reaches 95 percent of the design capacity authorized in this permit for each month of any three consecutive month period. The written notice shall be submitted within 30 days and the plan of action shall be received at the Department of Environmental Quality, Blue Ridge Regional Office no later than 90 days from the third consecutive month for which the flow reached 95 percent of the design capacity. The plan shall include the necessary steps and a prompt schedule of implementation for controlling any current or reasonably anticipated problem resulting from high influent flows. Failure to submit an adequate plan in a timely manner shall be deemed a violation of this permit.

3. Indirect Dischargers

The permittee shall provide adequate notice to the Department of the following:

- a. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Section 301 or 306 of Clean Water Act and the State Water Control Law if it were directly discharging those pollutants; and
- b. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of this permit.

Adequate notice shall include information on (i) the quality and quantity of effluent introduced into the treatment works, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the treatment works.

4. Materials Handling/Storage

Any and all products, materials, industrial wastes, and/or other wastes resulting from the purchase, sale, mining, extraction, transport, preparation, and/or storage of raw or intermediate materials, final product, by-product or wastes, shall be handled, disposed of, and/or stored in such a manner so as not to permit a discharge of such products, materials, industrial wastes, and/or other wastes to State waters, except as expressly authorized.

5. CTC, CTO Requirements

The permittee shall, in accordance with the DEQ Sewage Collection and Treatment Regulation (9VAC25-790), obtain a Certificate to Construct (CTC), and a Certificate to Operate (CTO) from the DEQ Blue Ridge Regional Office. The design plans shall be submitted by the design engineer and owner to the DEQ Regional Water Permit Manager prior to construction wastewater treatment works and operating the treatment works, respectively. Non-compliance with the CTC or CTO shall be deemed a violation of the permit.

6. Operation and Maintenance Manual Requirement

The permittee shall maintain a current Operations and Maintenance (O&M) Manual for the treatment works that is in accordance with Virginia Pollutant Discharge Elimination System Regulations, 9VAC25-31 and (for sewage treatment plants) Sewage Collection and Treatment Regulations, 9 VAC 25-790.

The O&M Manual and subsequent revisions shall include the manual effective date and meet Part II.K.2 and Part II.K.4 Signatory Requirements of the permit. Any changes in the practices and procedures followed by the permittee shall be documented in the O&M Manual within 90 days of the effective date of the changes. The permittee shall operate the treatment works in accordance with the O&M Manual and shall make the O&M manual available to Department personnel for review during facility inspections. Within 30 days of a request by DEQ, the current O&M Manual shall be submitted to the DEQ Regional Office for review and approval.

The O&M manual shall detail the practices and procedures which will be followed to ensure compliance with the requirements of this permit. This manual shall include, but not necessarily be limited to, the following items, as appropriate:

- a. Permitted outfall locations and techniques to be employed in the collection, preservation, and analysis of effluent, storm water and sludge samples;
- b. Procedures for measuring and recording the duration and volume of treated wastewater discharged;
- c. Discussion of Best Management Practices, if applicable;
- d. Procedures for handling, storing, and disposing of all wastes, fluids, and pollutants that will prevent these materials from reaching state waters. List type and quantity of wastes, fluids, and pollutants (e.g. chemicals) stored at this facility.

- e. Discussion of treatment works design, treatment works operation, routine preventative maintenance of units within the treatment works, critical spare parts inventory and record keeping; and,
- f. Plan for the management and/or disposal of waste solids and residues.
- g. Hours of operation and staffing requirements for the plant to ensure effective operation of the treatment works and maintain permit compliance.
- h. List of facility, local and state emergency contacts; procedures for reporting and responding to any spills/overflows/ treatment works upsets.

7. Licensed Operator Requirement

Within two years of the permit's effective date, the permittee shall employ or contract at least one Class I licensed wastewater works operator. In the interim two years, the permittee shall employ or contract at least one Class II licensed wastewater works operator. A written progress report shall be submitted to the DEQ Regional Office no later than 14 days following one year from the effective date of the permit and the final compliance date of February 10, 2016. The permittee shall also notify the Regional Office when compliance with this requirement has been achieved. The license shall be issued in accordance with Title 54.1 of the Code of Virginia and the regulations of the Board for Waterworks and Wastewater Works Operators. The permittee shall notify the Department in writing whenever he is not complying, or has grounds for anticipating he will not comply with this requirement. The notification shall include a statement of reasons and a prompt schedule for achieving compliance.

8. Reliability Class

The permitted treatment works shall meet Reliability Class II.

9. Nutrient Reopener

This permit may be modified or, alternatively, revoked and reissued:

- a. If any approved wasteload allocation procedure, pursuant to Section 303(d) of the Clean Water Act, imposes wasteload allocations, limits or conditions on the facility that are not consistent with the permit requirements;
- b. To incorporate technology-based effluent concentration limitations for nutrients in conjunction with the installation of nutrient control technology, whether by new construction, expansion or upgrade, or
- c. To incorporate alternative nutrient limitations and/or monitoring requirements, should:
 - i. the State Water Control Board adopt new nutrient standards for the water body receiving the discharge, including the Chesapeake Bay or its tributaries, or
 - ii. a future water quality regulation or statute require new or alternative nutrient control.

10. Sludge Reopener

The Board may promptly modify or revoke and reissue this permit if any applicable standard for sewage sludge use or disposal promulgated under Section 405(d) of the Clean Water Act

is more stringent than any requirements for sludge use or disposal in this permit, or controls a pollutant or practice not limited in this permit.

11. Sludge Use and Disposal

The Sludge Management Plan (SMP) is conditionally approved with the issuance of this permit, provided that a complete SMP is submitted and approved prior to implementation of the specific sludge use practices. Upon approval, the SMP becomes an enforceable part of the permit. The permit may be modified or alternatively revoked and reissued to incorporate limitations or conditions necessitated by the chosen sewage sludge use or disposal practices.

12. Total Maximum Daily Load (TMDL) Reopener

This permit shall be modified or alternatively revoked and reissued if any approved wasteload allocation procedure, pursuant to Section 303(d) of the Clean Water Act, imposes wasteload allocations, limits or conditions on the facility that are not consistent with the permit requirements.

13. PCB monitoring for Total Maximum Daily Load (TMDL)

The permittee shall monitor the effluent at Outfall 001 for Polychlorinated Biphenyls (PCBs) in accordance with the schedule in f. below. DEQ will use this data for development of a PCB TMDL for the Jackson River. The permittee shall conduct the sampling and analysis in accordance with the requirements specified below. At a minimum:

- a. Monitoring and analysis shall be conducted in accordance with the most current version of EPA Method 1668, congener specific results as specified in the PCB Point Source Monitoring Guidance. It is the responsibility of the permittee to ensure that proper QA/QC protocols are followed during the sample gathering and analytical procedures.
- b. The permittee may collect a minimum of 2 wet weather sample and 2 dry weather sample during this permit term, according to the PCB Point Source Guidance No. 09-2001, Appendix C (Sample Collection Methods for Effluent and Storm Water) and/or its amendments. Samples previously collected from these outfalls and analyzed with Method 1668, may be used in satisfying the total number of samples required even if the collection occurred prior to the current permit term.
- c. The sampling protocol shall be submitted to DEQ's Central Office PCB TMDL staff for review and approval in accordance with the schedule in f.1 below prior to the first sample collection.
- d. The data shall be submitted to DEQ's Central Office PCB TMDL staff by the 10th day of the month following receipt of the results according to the PCB Point Source Guidance, Appendix E (Reporting Requirements for Analytical (PCB) Data Generated Using EPA Method 1668). The submittal shall include the unadjusted and appropriately quantified individual PCB congener analytical results. Additionally, laboratory and field QA/QC documentation and results should be reported. Total PCBs are to be computed as the summation of the reported, quantified congeners.

- e. If the results of this monitoring indicate actual or potential exceedance of the water quality criterion or the Waste Load Allocation specified in the approved TMDL, the permittee shall submit to DEQ's Central Office PCB TMDL staff for review and approval a Pollutant Minimization Plan (PMP) designed to locate and reduce sources of PCBs in the collection system. A component of the plan may include an evaluation of the PCB congener distribution in the initial source intake water to determine the net contributions of PCBs introduced to the treatment works.
- f. PCB monitoring shall proceed in accordance with the following schedule:

1. Submit PCB sampling protocol.	not later than July 10, 2014
2. Complete and Submit PCB monitoring results to the DEQ Central Office.	1 st round not later than January 10, 2018 2 nd round not later than January 10, 2019
3. If required, Submit Pollutant Minimization Plan.	within 1 year of notification by DEQ

14. Infiltration and Inflow Plan

The permittee shall continue to implement the approved Infiltration and Inflow (I/I) Plan, to survey, evaluate and correct infiltration/inflow problems in the sewage collection system. The plan shall be designed to eliminate sewer system overflows/bypasses and hydraulic overloading of the Sewage Treatment Plant caused by I/I. The permittee shall provide the DEQ with quarterly progress reports due January 10, April 10, July 10 and October 10 until the I/I program is completed.

C. Whole Effluent Toxicity (WET) Limitation and Monitoring Requirements

1. The Whole Effluent Toxicity limitation of 44 TU_c (NOEC < 2.27) in Part I.B. is a final limit with an effective date of **February 10, 2013**.
2. The permittee shall conduct quarterly chronic toxicity tests using 24-hour flow-proportioned composite samples of final effluent from Outfall 001. Sampling shall be conducted when landfill leachate is expected to be present in the effluent. The chronic test to use is:

Chronic 7-Day Static Renewal Survival and Growth Test using *Pimephales promelas*.

These chronic tests shall be conducted in such a manner and at sufficient dilutions (minimum of five dilutions, derived geometrically) to determine the "No Observed Effect Concentration" (NOEC) for survival and reproduction or growth. The test endpoint (limit) must be represented by a dilution, and if other than 100%, should be bracketed by at least one dilution above and one dilution below it. Express the test NOEC as TU_c (Chronic Toxic Units), by dividing 100/NOEC for DMR reporting. Report the LC50 at 48 hours and the IC25 with the NOEC's in the test report. One copy of the toxicity test results, a copy of leachate hauling records for the quarter and records documenting the effluent flow during sampling shall be

submitted with the DMR. Test procedures and reporting shall be in accordance with the WET testing methods cited in 40 CFR 136.3

3. The permit may be modified or revoked and reissued to include pollutant specific limits in lieu of a WET limit should it be demonstrated that toxicity is due to specific parameters. The pollutant specific limits must control the toxicity of the effluent.
4. The permittee shall report the results on the DMR for the quarter, and supply a copy of the toxicity test report, leachate logs and flow records, in accordance with the following schedule:

<u>Period</u>	<u>Compliance Periods</u>	<u>DMR/Report Submission Due By</u>
Quarter 1	02/10/2014 to 04/31/2014	05/10/2014
Quarter 2	05/01/2014 to 07/31/2014	08/10/2014
Quarter 3	08/01/2014 to 10/31/2014	11/10/2014
Quarter 4	11/01/2014 to 01/31/2015	02/10/2015
Quarter 5	02/01/2015 to 04/31/2015	05/10/2015
Quarter 6	05/01/2015 to 07/31/2015	08/10/2015
Quarter 7	08/01/2015 to 10/31/2015	11/10/2015
Quarter 8	11/01/2015 to 01/31/2016	02/10/2016
Quarter 9	02/01/2016 to 04/31/2016	05/10/2016
Quarter 10	05/01/2016 to 07/31/2016	08/10/2016
Quarter 11	08/01/2016 to 10/31/2016	11/10/2016
Quarter 12	11/01/2016 to 01/31/2017	02/10/2017
Quarter 13	02/01/2017 to 04/31/2017	05/10/2017
Quarter 14	05/01/2017 to 07/31/2017	08/10/2017
Quarter 15	08/01/2017 to 10/31/2017	11/10/2017
Quarter 16	11/01/2017 to 01/31/2018	02/10/2018
Quarter 17	02/01/2018 to 04/31/2018	05/10/2018
Quarter 18	05/01/2018 to 07/31/2018	08/10/2018
Quarter 19	08/01/2018 to 10/31/2018	11/10/2018
Quarter 20	11/01/2018 to 01/31/2019	02/10/2019

D. Significant Discharger Survey

1. **Within 180 days, the permittee shall submit to the DEQ Regional Office a survey of all Industrial Users discharging to the POTW.** The information shall be submitted on the DEQ Discharger Survey Form, or an equivalent form that includes the quantity and quality of the wastewater. Survey results shall include the identification of Significant Industrial Users* of the POTW.
2. If Categorical Industrial Users are identified, or if the permittee or DEQ determines that the industrial users may be adversely affecting the operation of the POTW or causing violations of federal, state or local standards or requirements, the permittee shall, within 360 days of the effective or modification date of this permit, submit to the DEQ Regional Office a legally

enforceable document which enables the POTW to control by permit the Significant Industrial Users* discharging wastewater to the treatment works.

3. The legal authority document(s) shall be accompanied by a statement from the city, county or town attorney or a representative acting in the same capacity, that the permittee has adequate authority to enforce the Clean Water Act, Water Control Law and State regulations.
4. Upon DEQ approval of the legal authority, it shall become an enforceable condition of this permit.
5. The permittee shall within 90 days of DEQ approval of the legal authority develop local limits for approval, where necessary, to control the Significant Industrial Users to the POTW treatment works. All categorical and those other Significant Industrial Users with the potential to violate pretreatment standards and requirements shall be permitted.
6. The permittee with Significant Industrial Users shall submit to the DEQ Regional Office an annual report no later than January 31 of each year and must include:
 - a. The compliance status of the Significant Industrial Users with the pretreatment standards and requirements.
 - b. An updated list of the Significant Industrial Users to the treatment works showing categorical standards and local limits applicable to each.
 - c. Results of biannual self monitoring data for all regulated parameters submitted by all Significant Industrial Users.
 - d. Results of all POTW monitoring of Significant Industrial Users.
 - e. A summary of the number and types of Significant Industrial User inspections performed by the permittee.
 - f. All information concerning interference, upset, permit violations, or water quality standards violations directly attributable to the Significant Industrial User and enforcement actions to alleviate said event.
 - g. A description of the permittee's enforcement actions over the previous 12 months.
7. The DEQ retains the right to require the POTW to institute changes to the legal authority regarding Significant Industrial User permit(s):
 - a. If the legal authority does not meet the requirements of the Clean Water Act, Water Control Law or State regulations;
 - b. If problems such as interferences, pass through, violations of water quality standards or sludge contamination develop or continue; and
 - c. If federal, state or local requirements change.

*A significant industrial user is one that:

- a. Has a process wastewater (**) flow of 25,000 gallons or more per average workday;
- b. Contributes a process wastestream that makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW;

- c. Is subject to the categorical pretreatment standards; or
- d. Has significant impact, either singularly or in combination with other Significant Dischargers, on the treatment works or the quality of its effluent.

**Excludes sanitary, non contact cooling water, and boiler blowdown.

CONDITIONS APPLICABLE TO ALL VPDES PERMITS

A. Monitoring

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.
2. Monitoring shall be conducted according to procedures approved under Title 40 Code of Federal Regulations Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.
3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.
4. Samples taken as required by this permit shall be analyzed in accordance with 1VAC30-45, Certification for Noncommercial Environmental Laboratories, or 1VAC30-46, Accreditation for Commercial Environmental Laboratories.

B. Records

1. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) and time(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the Board.

C. Reporting Monitoring Results

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to:

Virginia Department of Environmental Quality
Blue Ridge Regional Office
3019 Peters Creek Road
Roanoke VA 24019-2738

C. Reporting Monitoring Results (Continued)

2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the Department.
3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under Title 40 of the Code of Federal Regulations Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the Department.
4. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which the Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

E. Compliance Schedule Reports

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized Discharges

Except in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of Unauthorized Discharges

Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part II F; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part II F, shall notify the Department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the Department, within five days of discovery of the discharge. The written report shall contain:

G. Reports of Unauthorized Discharges (Continued)

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the Department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of Unusual or Extraordinary Discharges

If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the Department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the Department within five days of discovery of the discharge in accordance with Part II I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. Reports of Noncompliance

The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:
 - a. Any unanticipated bypass; and
 - b. Any upset which causes a discharge to surface waters.
2. A written report shall be submitted within 5 days and shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
 - c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

I. Reports of Noncompliance (Continued)

The Board may waive the written report on a case-by-case basis for reports of noncompliance under Part II I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Parts II I 1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II I 2.

NOTE: The immediate (within 24 hours) reports required in Parts II G, H and I may be made to the Department's Regional Office at (540) 562-6700 (voice) or (540) 562-6725 (fax). For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24 hour telephone service at 1-800-468-8892.

J. Notice of Planned Changes

1. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
 - a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:
 - (1) After promulgation of standards of performance under Section 306 of Clean Water Act which are applicable to such source; or
 - (2) After proposal of standards of performance in accordance with Section 306 of Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal;
 - b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or
 - c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
2. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. Signatory Requirements

1. Applications. All permit applications shall be signed as follows:
 - a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - c. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
2. Reports, etc. All reports required by permits, and other information requested by the Board shall be signed by a person described in Part II K 1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described in Part II K 1;
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
 - c. The written authorization is submitted to the Department.
3. Changes to authorization. If an authorization under Part II K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II K 2 shall be submitted to the Department prior to or together with any reports, or information to be signed by an authorized representative.
4. Certification. Any person signing a document under Parts II K 1 or 2 shall make the following certification:

K. Signatory Requirements (Continued)

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to Comply

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. All permittees with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

N. Effect of a Permit

This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State Law

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by Section 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part II U), and "upset" (Part II V) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Sections 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. Disposal of Solids or Sludges

Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts II U 2 and U 3.

2. Notice

a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least ten days before the date of the bypass.

b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II I.

3. Prohibition of bypass.

a. Bypass is prohibited, and the Board may take enforcement action against a permittee for bypass, unless:

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The permittee submitted notices as required under Part II U 2.

- b. The Board may approve an anticipated bypass, after considering its adverse effects, if the Board determines that it will meet the three conditions listed above in Part II U 3 a.

V. Upset

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part II V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.
2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The permittee submitted notice of the upset as required in Part II I; and
 - d. The permittee complied with any remedial measures required under Part II S.
3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and Entry

The permittee shall allow the Director, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit Actions

Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of permits

1. Permits are not transferable to any person except after notice to the Department. Except as provided in Part II Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.
2. As an alternative to transfers under Part II Y 1, this permit may be automatically transferred to a new permittee if:
 - a. The current permittee notifies the Department at least 30 days in advance of the proposed transfer of the title to the facility or property;
 - b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 - c. The Board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part II Y 2 b.

Z. Severability

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.